

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:08-cr-00016-MR**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**MATTHEW JAMES DURY,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's "Motion to Dismiss Indictment Pursuant to the War Powers Act March 5, 1933 in this Article III Section II Clause I Admiralty Court as Defendant is Not a War Criminal" [Doc. 66].

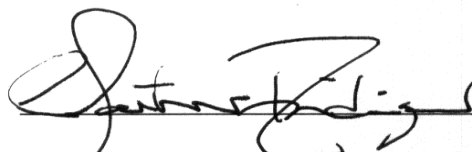
In his Motion, the Defendant argues that his conviction is not valid because the United States has been "in marshal [sic] law/admiralty law since March 5, 1933," and the Defendant was not charged with a war crime. [Doc. 66 at 1]. The Defendant's argument is patently frivolous, and therefore his motion will be denied.

**IT IS, THEREFORE, ORDERED** that the Defendant's "Motion to Dismiss Indictment Pursuant to the War Powers Act March 5, 1933 in this

Article III Section II Clause I Admiralty Court as Defendant is Not a War Criminal" [Doc. 66] is **DENIED**.

**IT IS SO ORDERED.**

Signed: May 13, 2016

  
Martin Reidinger  
United States District Judge

